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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Case No: BK-20-10243-BTB

STEVE PANDI,

**Hearing Date: 5/21/2020
Hearing Time: 10:00 a.m.**

Debtor(s).

**DECLARATION OF DEBTOR IN SUPPORT OF MOTION TO DETERMINE
BAVARIAN MOTORS LTD.'S WILLFUL VIOLATION OF THE AUTOMATIC STAY
AND REQUEST TO RECOVER PUNITIVE DAMAGES, ATTORNEY'S FEES AND
SANCTIONS**

STEVE PANDI, ("Debtor"), hereby declares under the penalty of perjury in the
State of Nevada as follows:

1. I am the Debtor in the instant Chapter 13 case and I am competent to testify in the above matter.
2. I make this Supplemental Declaration in support of the Motion to Determine Bavarian Motors Ltd.'s ("Bavarian") Willful Violation of the Automatic Stay and Request to Recover Actual Damages, Attorney's Fees and Costs, and Punitive Damages ("Motion").

3. I make this Declaration based upon my own personal knowledge, unless otherwise stated, and if called I would competently testify to the matters declared herein.
4. On or around spring of 2018, I took my 2009 BMW X5 (the “automobile”) to Bavarian to get it repaired.
5. The automobile experienced an engine malfunction and was towed to Bavarian’s place of business at 2417 North 16th Street, Phoenix, Arizona 85006.
6. After keeping the automobile for a few days, Bavarian informed me that they could not fix the automobile and that I should take it to the BMW dealership.
7. Bavarian’s bill for its services totaled \$1,000.00.
8. During this time, I was going through some financial hardship and could not afford to pay Bavarian’s bill, therefore, I could not move my car to the BMW dealership.
9. On January 16, 2020, I filed the instant Chapter 13 bankruptcy, bearing case number 20-10243-btb (the “bankruptcy”).
10. Bavarian was included in the Bankruptcy, as seen below:

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Bavarian Motors
2417 North 16th Street
Phoenix, AZ 85006

11. Bavarian was provided notice of the Bankruptcy through the Court’s BNC notification system. See Docket No. 10.
12. On January 27, 2020, I left a message with Bavarian’s legal department asking them to call me back. I informed them that I was in bankruptcy and wanted my automobile back.

13. On February 12, 2020, as I had not heard back from Bavarian, I asked my attorneys, Haines and Krieger (the “attorney”), to contact Bavarian and arrange for the release of my automobile.
14. The attorney reached out to Bavarian, Bavarian responded by initially stating that I owed it \$20,000.00, and that it would not release the automobile until it knew how it was getting paid.
15. The attorney informed Bavarian that it should consult its own attorney and submit a proof of claim to the Bankruptcy Court.
16. On February 13, 2020, the attorney again contacted Bavarian, this time Bavarian was willing to release the car but required police presence.
17. On February 18, 2020, Bavarian informed my attorney that Bavarian’s legal counsel informed it that it was under no obligation to release the automobile, however, I could send a tow-truck to pick up the automobile.
18. Bavarian also stated that because other cars in its yard were blocking my automobile, the tow-truck driver would have to move those cars to get access to my automobile. Bavarian refused to assist in moving the other cars.
19. To date, I have not been able to retrieve my automobile as no tow-truck driver would risk the liability of moving the other cars on Bavarian’s yard.
20. At this point, Bavarian is purposefully retaliating against me for filing the instant bankruptcy.
21. The emotional distress that Bavarian has caused me is significant. The Bankruptcy Code allows me to retrieve my automobile, however, Bavarian to date has ignored all of my requests to retrieve the automobile.

1 22. Although it is difficult to ascertain the damages I have suffered as a result of
2 Bavarian's conduct into a monetary figure, I believe it is at least \$5,000.00 because
3 Bavarian has intentionally ignored the Bankruptcy Code and retaliated against me for
4 filing this Chapter 13 case. I have had out of pocket costs in combating Bavarian's
5 conduct. Further, I face additional expenses in removing the automobile.

6 DATED: March 25, 2020
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8 By: /s/Steve Pandi
9 Steve Pandi
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